

JACQUELINE D. AJOSE, KATHY SMITH, SHARON KURTZ, PATRICIA EVERETT, JAMES L. BOYLAND, AND KATHY DUTTON, on behalf of themselves and those similarly situated,

V.

Defendant.

Judge Sharp
Magistrate Joe Brown

For the reasons stated in the Memorandum filed contemporaneously herewith, the Court hereby rules as follows:

1. Count IV (Colorado Consumer Protection Act);
2. Count V (Unjust Enrichment);
3. The non-Florida Plaintiffs' claims under Count III (Florida Deceptive and Unfair Trade Practices Act); and
4. The Florida and Arizona Plaintiffs' claims under Counts VI (Magnuson-Moss Warranty Act) and VII (Breach of Implied Warranty of Merchantability).

The Motion to Dismiss will be **DENIED** with respect to:

1. Count I (strict liability);
2. Count II (declaratory relief);
3. Plaintiff Boyland's claim under Count III (Florida Deceptive and Unfair Trade Practices Act); and
4. The Colorado, Pennsylvania, and Texas Plaintiffs' claims under Counts VI (Magnuson-Moss Warranty Act) and VII (Breach of Implied Warranty of Merchantability).

It is SO ORDERED.

A handwritten signature in black ink that reads "Kevin H. Sharp". The signature is written in a cursive, slightly slanted style. Below the signature is a solid horizontal line.

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE